

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1898US1.014033.047			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/711,705	Filed September 30, 2004			
	First Named Inventor Henry W. Grant, Jr.				
	Art Unit 3693	Examiner Samica L. Norman			
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding-bottom: 10px;"><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>55,130</u></p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></td><td style="width: 50%; vertical-align: top; padding-bottom: 10px;"><p><u>/r. brian drozd/</u> _____ Signature</p><p><u>R. Brian Drozd</u> _____ Typed or printed name</p><p><u>919-286-8140</u> _____ Telephone number</p><p><u>June 16, 2010</u> _____ Date</p></td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>55,130</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>	<p><u>/r. brian drozd/</u> _____ Signature</p> <p><u>R. Brian Drozd</u> _____ Typed or printed name</p> <p><u>919-286-8140</u> _____ Telephone number</p> <p><u>June 16, 2010</u> _____ Date</p>
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<p><input type="checkbox"/> *Total of _____ forms are submitted.</p>					

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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REMARKS IN SUPPORT OF PRE-APPEAL BRIEF REQUEST FOR REVIEW

Claims 11-14, 16-17, 19-20, 23-26 and 37-42 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication 2002/0138407 by Lawrence et al. (hereinafter “Lawrence”). For a proper rejection under Section 102, the Office must demonstrate that the identical invention is “shown in as complete detail as contained in the....claim,” and that the elements are “arranged as required by the claim....” M.P.E.P. § 2131. The Office has failed to meet this burden.

Lawrence is directed to managing risk associated with a financial transaction with global risk exposure - called a global risk management system (GRM). Lawrence is only directed to managing risk where a risk may have global impact and implications. Lawrence does not teach a risk determination system specifically directed towards *anti-money laundering*, even though Lawrence mentions the term “money laundering” once in the specification.

A. Independent Claim 11

Claim 11 recites:

“A method to evaluate anti-money laundering risk, comprising:

...

determining a risk rating for evaluating anti-money laundering risk, using a computer, based on responses to predetermined criteria or questions related to the country, the at least one financial product or investment and the customer type, wherein the determining the risk rating comprises:

evaluating a sophistication of the person or other legal entity with respect to the at least one selected financial product or investment; and

determining the at least one selected financial product or investment’s propensity for use for money laundering; and presenting the risk rating to a user.”

Applicant respectfully submits that there is no teaching or suggestion in Lawrence of “evaluating the person or other legal entity’s sophistication with respect to the at least one selected financial product or investment.” Lawrence only discloses “the GRM system 106 can facilitate detection and reporting of potential violations of law as well as address . . . the assessment of sophistication of a customer.” Even though Lawrence merely mentions the phrase “assessment of sophistication,” this sophistication assessment is a general sophistication assessment of a person and

is not a sophistication evaluation “with respect to the at least one selected financial product or investment,” as specifically claimed. Such disregard of this specific recitation of Claim 1 is clear error. As such, Applicant respectfully submits that the Office has **not** demonstrated that the identical invention is “shown in as complete detail as contained in the....claim,” and that the elements are “arranged as required by the claim...,” as required by M.P.E.P. § 2131.

Additionally, Applicant respectfully submits that there is no teaching or suggestion in Lawrence of “determining the at least one selected financial product or investment’s propensity for evaluating anti-money laundering risk,” as recited in Claim 11. Lawrence only states “information received can be associated with criteria including . . . the propensity of people in similar positions to execute unlawful or unethical transactions.” However, Lawrence does not disclose the specific claimed element of the “determining . . . the selected financial product or investment’s propensity” Further, Lawrence is only directed to “unlawful or unethical transactions” and not the specifically disclosed “determining the at least one selected financial product or investment’s propensity” “*for evaluating anti-money laundering*” claim element.

Furthermore, there is no disclosure in Lawrence of “determining a risk rating for evaluating anti-money laundering risk, using a computer, based on responses to predetermined criteria or questions related to the country, the at least one financial product or investment and the customer type,” as recited in Claim 11. There is no discussion in Lawrence of determining a risk rating for a weighting or a risk. There is no discussion in Lawrence of determining a risk rating based on predetermined criteria or questions related to a combination of the customer’s country, the financial product/investment associated with the customer, **and** the customer type. For example, there is no discussion of determining a risk rating based on the financial product or investment associated with the customer. This is because Lawrence is only directed to global risk management system (GRM) and not a specifically-tailored anti-money laundering system.

Accordingly, it is submitted that the rejection of Claim 11 is clear error under M.P.E.P. 2131. Claim 11 is respectfully submitted to be patentable over Lawrence and reconsideration and withdrawal of the section 102 rejection of Claim 11 is respectfully requested.

B. Dependent Claims 12-14

Regarding the rejection of Claims 12-14 and 16 under 35 U.S.C. § 102 as being anticipated by Lawrence, these claims recite additional features which further patentably distinguish over Lawrence. For example, Claim 16 recites:

“wherein determining the risk comprises:
determining if the person or other legal entity is currently being monitored with respect to financial activity;
determining a level of risk of the person or other legal entity being associated with terrorist activity;
evaluating a level of knowledge about the person or other legal entity; and
determining if the person or other legal entity is known to be a high risk.”

Lawrence does not teach or suggest that each of the following are performed when determining the risk rating: 1) determining if the person or other legal entity is currently being monitored with respect to financial activity; 2) determining a level of risk of the person or other legal entity being associated with terrorist activity; 3) evaluating a level of knowledge about the person or other legal entity; and 4) determining if the person or other legal entity is known to be a high risk. For example, there is no discussion at all in Lawrence about entities being associated with terrorist activity. In fact, there is no mention of the word “terrorist” in Lawrence at all. By way of another example, there is no discussion in Lawrence of “a level of knowledge about the person or other legal entity.” Applicants are at a complete loss as to how Claim 16 is not allowable over Lawrence. Additionally, Applicants note that the Examiner has not pointed out what portion in Lawrence discloses each and every element of Claim 16. It appears the Examiner has only considered the last element of Claim 16, which is clear error. Accordingly, Claim 16 is respectfully submitted to be patentable over Lawrence and reconsideration and withdrawal of the section 102 rejection of Claim 16 is respectfully requested.

Additionally, Claims 12-14, and 16 depend either directly or indirectly from independent Claim 11. Because of this dependency, Claims 12-14, and 16 include all of the features of independent Claim 11. Therefore, Claims 12-14, and 16 are also submitted to be patentably distinguishable over Lawrence, and reconsideration and withdrawal of the Section 102 rejection of these claims is respectfully requested.

C. Independent Claim 17

Turning to independent Claim 17, Applicant respectfully submits that there is no teaching or suggestion in Lawrence of the features of the embodiment of the invention recited in Claim 17. Claim 17 recites limitations similar to Claim 11 and is allowable for at least this reason alone. Accordingly, claim 17 is respectfully submitted to be patentable over Lawrence and reconsideration and withdrawal of the section 102 rejection of claim 17 is respectfully requested.

Regarding the rejection of Claims 19-20, and 23-26 under 35 U.S.C. § 102 as being anticipated by Lawrence, these claims recite additional features which further patentably distinguish over Lawrence. Additionally, Claims 19-20, and 23-26 depend either directly or indirectly from independent Claim 17. Because of this dependency, Claims 19-20, and 23-26 include all of the features of independent Claim 17. Therefore, Claims 19-20, and 23-26 are also submitted to be patentably distinguishable over Lawrence, and reconsideration and withdrawal of the Section 102 rejection of these claims is respectfully requested.

D. Dependent Claims 37-42

Claims 37-42 are dependent from either independent Claims 11 or 17, either directly or indirectly, and are thus allowable for the same reasons as Claims 11 and 17 are allowable. Additionally, Claims 37-42 recite additional features not taught by the cited art. For example, with regard to Claim 37, Applicant respectfully submits that there is no teaching or suggestion in Lawrence of 1) “determining the at least one selected financial product or investment’s attractiveness for use by terrorist,” 2) “evaluating the level of complexity of the at least one selected financial product or investment,” 3) “determining if the at least one selected financial product or investment is currently monitored for use with respect to illegal activity,” 4) “determining a level of the person or other legal entity’s knowledge of the at least one financial product or investment; and 5) “determining a level of ease of obtaining and using the at least one financial product or investment,” as recited in Claim 37. The Examiner cited paragraph [0045] and [0054] of Lawrence against Claim 37. However, Applicant is unsure as to which of the several recitations of Claim 37 the Examiner is applying these paragraphs. Nonetheless, Applicants can find no disclosure anywhere in paragraph [0045] and [0054] of Lawrence does Lawrence teach any of the cited elements of Claim 37.

For Claim 38, nowhere does Lawrence disclose any of the limitations of Claim 38. For example, there is no discussion at all in Lawrence about terrorist or attractiveness of a financial

product for use in terrorism. Also, nowhere does Lawrence discuss any “level of complexity” of a financial product and in fact Lawrence does not even disclose what is inputted at all. Applicants are at a complete loss as to how Lawrence discloses each and every claim of Applicant’s claims without even mentioning what is entered into the GRM. The Office cited paragraph [0032] lines 1-4 and paragraph [0057] lines 1-11 in rejecting Claim 38, but after careful review of these sections does not reveal that Lawrence teaches the very specific recitations of Claim 38. Simply performing a keyword search and finding keywords that are similar to words in the claims is not enough to reject the claims under section 102. For a proper rejection under Section 102, the Office must demonstrate that the identical invention is “shown in as complete detail as contained in the....claim,” and that the elements are “arranged as required by the claim....” M.P.E.P. § 2131. The Office has failed to meet this burden.

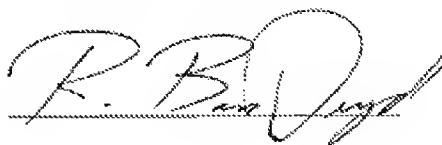
Conclusion

In summary, Applicants submit that none of the cited art teach or suggest, either singly or in combination, all of the claim elements recited in Claims 11-14, 16-17, 19-20, 23-26 and 37-42. As such, Applicants submit that the Office has not met the initial burden of factually supporting a *prima facie* case of anticipation or obviousness. See § MPEP 2142. Accordingly, it is respectfully submitted that Claims 11-14, 16-17, 19-20, 23-26 and 37-42 are patentable over the cited art and that the rejections should be withdrawn.

Respectfully submitted,

Date: 6/16/10

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